

Remarks

Applicants respectfully request reconsideration of the Application in view of the foregoing amendments, and following remarks. Claims 1-18, 20-57, 66, 67, and 70-188 are pending in the Application. Claims 1-18, 20-57, 66, 67, and 70-188 are rejected.

Canceled claims are canceled without disclaimer or prejudice to renewal. The rejections are traversed to preserve rights to present additional argument thereon in the future.

Advancement of Prosecution

Applicants have made a good faith effort to address all concerns raised by the Action. If the Examiner has any observations regarding further advancement of prosecution, the undersigned attorney is available via telephone.

Claim Amendments

Claim 1 has been amended to recite “via said differential reference profile determined for said profile pair” and “removing . . . systematic cross-experiment error.” Exemplary support is found at page 24, line 26 – page 25, line 6 of the Application. Claims 30, 66, 71, 99, 127, 130, 158, and 186 have been similarly amended.

Claim 1 has been amended to affirmatively recite “obtaining a data set . . .” instead of the previous language “data set . . . obtained by . . .” by rearranging claim language. Claims 30, 66, 71, 99, 127, 130, 158, and 186 have been similarly amended.

Claim 1 has been amended to recite “error-model-based transformed measurement, or logarithm-based transformed measurements.” Exemplary support is found at page 48, line 9 – page 57, line 13 (e.g., “logarithm transformation” at page 56 and “hybrid transformation” at page 57). Claims 3, 18, 20, 21, 22, 23, 24, 25, 26, 29, 32, 40, 41, 42, 43, 44, 66, 71, 73, 88-95, 98, 101, 104, 111-113, 127, 130, 132, 147-154, 157, 160, 163, 168, 170, 171, 172, 186, and 187 have also been amended to clarify “transformed.”

Claim 5 has been amended to recite “one or more remaining profile pairs out of said profile pairs . . .” to remove an “already obtained” semantic problem alleged by the Action. Claims 75 and 134 have been similarly amended.

Claim 21 has been amended to recite “calculating first differences . . .” The “first difference” language was already in the claim. Claims 39, 90, and 149 have been similarly amended.

Claim 21 has been further amended to recite “adjusting, wherein the adjusting comprises correcting nonlinearity.” Exemplary support is found at page 38, lines 8-15 (e.g., “correcting non-linearity” at page 38, line 13). Claims 39, 90, and 149 have been similarly amended.

Claim 30 has been amended to incorporate various language from dependent claim 31 (“processing comprises normalizing”). Claims 99 and 158 have been similarly amended.

Claim 36 has been amended to incorporate the language of dependent claim 37. Claims 105, 107, 164, and 166 have been similarly amended.

Claim 38 has been amended to recite “to a new domain in which variance becomes a constant.” Exemplary support is found at page 51, lines 25-28.

Claim 108 has been amended to clarify “said transformed data set,” which appears in claim 107.

Claim 109 has been amended to recite “error-model-based transformed measurements or logarithm-based transformed.” Exemplary support is found at page 48, line 9 – page 57, line 13 (e.g., “logarithm transformation” at page 56 and “hybrid transformation” at page 57). Claims 110 and 167 have been similarly amended.

Claim 108 has also been amended to recite “wherein the adjusting comprises correcting nonlinearity.” Exemplary support is found at page 38, lines 8-15 (e.g., “correcting non-linearity” at page 38, line 13). Claim 167 has been similarly amended.

Claim 108 has also been amended to recite “calculating first differences . . .” The “first difference” language was already in the claim. Claim 167 has been similarly amended.

Accordingly, no new matter is added thereby.

Claim Objections

Claims 1, 6, 7, 13, 30, 45, 46, 47, 66, 71, 76, 77, 83, 114, 115, 116, 127, 130, 135, 136, 158, 173, 174, 175, and 186 are objected to because of informalities. Specifically, the Action objects to the term “weighing” instead of “weighting.” Applicants note that throughout the Application, a “weighting” model is described as involving a “weighing” factor (see, e.g., page 27, lines 5-10 of the Application).

Furthermore, Applicants include herewith an Information Disclosure Statement citing US2008/0 294 375, which confirms that the term “weighing factor” is in common use (see, e.g., Abstract).

Therefore, the objection can be withdrawn.

Claim Rejections 35 U.S.C. § 112

Claims 1-18, 20-57, 66, 67, and 70-188 are rejected under 35 U.S.C. § 112, second paragraph, as indefinite.

“Adjusting” as Indefinite

The Action rejects claims 1, 30, 66, 71, 99, 127, 130, 158, and 186 for reciting “adjusting.”

Applicants have amended claim 1 to recite, “via said differential reference profile determined for said profile pair, removing . . . systematic cross-experiment error from . . .”

Claims 30, 66, 71, 99, 127, 130, 158, and 186 have been similarly amended.

“Obtained by” as indefinite

The Action rejects claims 1, 30, 66, 71, 99, 127, 130, 158, and 186 as indefinite for reciting “obtained by.”

Applicants have amended claim 1 to affirmatively recite, “obtaining a data set . . .”

Claims 30, 66, 71, 99, 127, 130, 158, and 186 have been similarly amended.

“Measurements or transformed measurements” as indefinite

The Action rejects claims 1, 3, 18, 20, 21, 22, 23, 24, 25, 26, 29, 32, 40, 41, 42, 43, 44, 66, 71, 73, 88-95, 98, 101, 104, 111-113, 127, 130, 132, 147-154, 156 [157], 160, 163, 168, 170, 171, 172, 186, and 187 as indefinite for reciting “transformed measurements.”

Applicants have amended claim 1 to recite “measurements, error-model-based transformed measurements, or logarithm-based transformed measurements.” Hybrid transformations (i.e., involving a logarithm) are contemplated as encompassed thereby.

Claims 3, 18, 20, 21, 22, 23, 24, 25, 26, 29, 32, 40, 41, 42, 43, 44, 66, 71, 73, 88-95, 98, 101, 104, 111-113, 127, 130, 132, 147-154, 157, 160, 163, 168, 170, 171, 172, 186, and 187 have also been amended to clarify “transformed.”

Already “obtained” as indefinite

The Action rejects claims 5, 75, and 134 as indefinite for reciting “calculating . . . second error-corrected experiment profile,” when claim 1 already recites obtaining a “second error-corrected experiment profile.”

Applicants have amended claim 5 to recite “remaining profile pairs” to cure the alleged semantic issue. Claims 75 and 134 have been similarly amended.

“Based on differences” and “adjusting” as indefinite

The Action rejects claims 21, 39, 90, and 149 for reciting “based on differences.”

Applicants have amended claim 21 to affirmatively recite calculating the differences and “the adjusting comprises correcting nonlinearity.”

Claims 39, 90, and 149 have been similarly amended.

“Processing” as indefinite

The Action rejects claims 30, 99, and 158 for reciting “processing.”

Applicants have amended claim 30 to recite “processing comprises normalizing . . .” Claims 99 and 158 have been similarly amended.

“Transforming” as Indefinite

The Action rejects claims 36, 38, 39, 105, 107, 164, and 166 as indefinite for reciting “transforming.”

Applicants have incorporated features from dependent claim 37 (“said transforming is carried out . . . according to the equations . . .”) into claim 36.

Applicants have amended claim 38 to recite “transforming . . . to a new domain in which variance becomes a constant.” Claim 39 depends from claim 38 and is thereby cured.

Claims 105, 107, 164, and 166 have been similarly amended.

“Transformed” as Indefinite

The Action rejects claims 108, 109, 110, and 167 as indefinite for reciting “transformed.” Claim 107 now recites “transforming . . . to a new domain in which variance becomes a constant . . .” So, Applicants have amended dependent claim 108 to clarify “said transformed data set.”

Claims 109, 110, and 167 have been amended to recite “error-model-based transformed . . . or logarithm-based transformed.”

"Differences" and "adjusting" as Indefinite

The Action rejects claims 108 and 167 as indefinite for reciting "differences" and "adjusting."

Applicants have amended claim 108 to affirmatively recite calculating the differences and "the adjusting comprises correcting nonlinearity." Claim 167 has been similarly amended.

Accordingly, the objections can be withdrawn.

Finality of Office Action

Applicants acknowledge that finality of the Office Action was withdrawn by written communication on December 10, 2009.

Conclusion

The claims stand ready for allowance. Such action is respectfully requested.

Respectfully submitted,

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